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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,129	03/26/2007	Henryk Kulakowski	64640.000004	5090
Henryk KULAI	7590 11/27/200 KOWSKI	EXAMINER		
ul Ogrodowa12		SARWAR, BABAR		
Jaroszowa Wola, 05-505 POLAND			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			11/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1)⊠ Responsive to communication(s) filed on 05 August 2009.  2a)⊠ This action is FINAL. 2b)□ This action is non-final.  3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)☑ Claim(s) 1.2.4.5.7 and 8 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5)□ Claim(s) is/are allowed.  6)☑ Claim(s) 1.2.4.5.7.8 is/are rejected.  7)□ Claim(s) is/are objected to.  8)□ Claim(s) is/are objected to.  8)□ Claim(s) is/are objected to by the Examiner.  10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner.  Application Papers  9)□ The specification is objected to by the Examiner.  10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)□ All b)□ Some * c)□ None of:  1.□ Certified copies of the priority documents have been received.  2.□ Certified copies of the priority documents have been received in Application No  3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.		Application No.	Applicant(s)				
BABAR SARWAR  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 09 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 09 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - If NO period for reply is appointed above, the managementation.  - If NO period for reply is appointed above, the managementation.  - If NO period for reply is appointed above, the managementation.  - If NO period for reply is appointed above, the managementation.  - If NO period for reply is appointed above, the managementation.  - If NO period for reply is appointed above, the managementation.  - If NO period for reply is appointed above, the managementation.  - If NO period for reply is appointed above, the managementation and the period of the communication.  - If NO period for reply is appointed above, the managementation and the period of the communication and period above.  - If NO period for reply is appointed above, the managementation and the period and the period above.  - If NO period for reply is appointed to the communication.  - If NO period for reply is appointed above, the period and the per	Office Action Commons	10/583,129	KULAKOWSKI, HENRYK				
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## **DETAILED ACTION**

## Response to Arguments

- 1. Applicant's arguments with respect to **claims 1-2, 4-5, 7-8** have been considered but are most in view of the new ground(s) of rejection.
- 2. **Claims 1-2, 4-5, 7-8** have been amended.
- 3. Claims 3, 6, 9-10 have been cancelled.
- 4. Claims 1-2, 4-5, 7-8 are currently pending.

## Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 4-5, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolsky et al. (US 2003/0144016 A1) in view of Enzmann et al. (US 6,687,242 B1), hereinafter referenced as Kolsky and Enzmann.

Consider claim 1, Kolsky discloses a method of effecting a telecommunication connection to a service in a telecommunication network (Abstract, where Kolsky discloses accessing telecommunication services i.e. voice and data calls) comprising: establishing a telecommunication connection from a user's phone to an access number of a telecommunication service either via a voice channel or a text channel (Para 0003, where Kolsky discloses accessing data and voice communications), wherein the access number is comprised of a beginning character

of either asterisk "\*" or hash mark "#", followed by a sequence of digits, and an optional ending character of "#" (Para 0073, where Kolsky discloses a beginning character of "\*" followed by digits, and an optional ending character of "#"). Kolsky further discloses that the connection will be effected by means of the text channel using Unstructured Supplementary Services Data (USSD) commands (Para 0021, 0058, where Kolsky discloses establishing an USSD session).

Kolsky does not explicitly disclose wherein the presence of the optional ending character determines that the connection will be effected by means of the text channel and the omission of the optional ending character determines that the connection will be effected via the voice channel, and wherein the access number is identical for the voice channel and the text channel. Enzmann discloses wherein the presence of the optional ending character (Abstract, where Enzmann discloses adding a special character to the end of the calling party's phone number) determines that the connection will be effected by means of the text channel (Abstract, Col. 3:1-53, Figs. 1, 3a-b, where Enzmann discloses adding a special character to the end of the calling party's phone number directing to the calling party's web server, therefore determining that the connection will be effected by means of the text channel) and the omission of the optional ending character determines that the connection will be effected via the voice channel (Abstract, Col. 3:1-53, Figs. 1, 3a-b, where Enzmann discloses adding a special character to the end of the calling party's phone number directing to the calling party's web server i.e. omitting the special character to the end of the calling party's phone number will establish a voice channel, therefore

determining that the connection will be effected via voice channel), and wherein the access number is identical for the voice channel and the text channel (Abstract, Col. 3:1-53, Figs. 1, where Enzmann discloses the calling party's phone number).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kolsky with the teachings of Enzmann so as to facilitate the subscribers with the flexibility to choose text or voice communication channels based on their needs as discussed in **Col. 2:1-8**.

Consider claim 2, the combination teaches everything claimed as implemented above (see claim 1). In addition, Kolsky discloses wherein the access number is further comprised of additional parameters, separated by the "\*" or "#" characters, wherein the additional parameters are entered by the user once the connection has been established (Para 0061, 0073, where Kolsky discloses the string with "#" and "\*" characters).

Consider claim 4, the combination teaches everything claimed as implemented above (see claim 1). In addition, Enzmann discloses wherein the telecommunication connection to a service in a telecommunication network results in a connection to another user (Abstract, Fig. 1, where Enzmann discloses communication between users).

Consider **claim 5**, the combination teaches everything claimed as implemented above (see claim 1). In addition, Kolsky discloses wherein the communication between the user and the service comprised of a set of a sequences of voice or text messages exchanged between the user and the service, without the need to establish a session

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(Para 0061, 0073, where Kolsky discloses user entering numeric, alphanumeric, symbol strings, and entering string by voice).

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Consider claim 7, the combination teaches everything claimed as implemented above (see claim 1). In addition, Kolsky discloses wherein the text based communication is accomplished with the use of any text channel other than the Unstructured Supplementary Services Data (USSD)) channel and commands (Para 0021, where Kolsky discloses SMS messages).

Consider **claim 8**, the combination teaches everything claimed as implemented above (see claim 7). In addition, Kolsky discloses wherein the text based communication is accomplished with the use of the Short Message Service (SMS) channel and commands (Para 0021, where Kolsky discloses SMS messages).

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BABAR SARWAR whose telephone number is (571)270-5584. The examiner can normally be reached on MONDAY TO FRIDAY 09:00 A.M -05:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BABAR SARWAR/ Examiner, Art Unit 2617 /BS/

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/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617